

SANDOVAL COUNTY, NEW MEXICO

EMERGENCY ORDINANCE NO. 03-06-19.9

LIMITING THE USE OF FIREWORKS

IN THE UNINCORPORATED AREAS OF SANDOVAL COUNTY

WHEREAS, the danger of brush fires, grass fires, forest fires and structure fires is extremely high in the State of New Mexico and especially Sandoval County and the surrounding jurisdictions; and,

WHEREAS, current fire conditions such as relative humidity, weather and fuel content and conditions are extremely high in Sandoval County; and,

WHEREAS, the probability of ignition of material and fire spread is extremely high in Sandoval County; and,

WHEREAS, the Board of County Commissioners finds, based upon current drought indices published by the national weather service and other information supplied by the United States forest service and the New Mexico State Forestry – District 6, that severe drought conditions affect the unincorporated areas of Sandoval County; and,

WHEREAS, the Board of County Commissioners finds that fireworks restrictions should be imposed within the unincorporated areas of Sandoval County; and,

WHEREAS, the possibility of extreme fire situations will severely tax current local, state and federal resources; and,

WHEREAS, the Board of County Commissioners finds that there exists an immediate danger to the public health, safety, and welfare of Sandoval County.

NOW THEREFORE, BE IT RESOLVED AND PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

Section 1. The Board of County Commissioners hereby declares that Sandoval County is suffering from extremely or serious drought conditions and high fire hazards represent a significant immediately threat to the peace, safety, health and welfare of Sandoval County.

Section 2. For purposes of this Ordinance, the word “fireworks” means any device intended to produce a visible or audible effect by combustion, deflagration or detonation. The term fireworks is used in this Ordinance includes but is not limited to the definition of the “fireworks” provided in NMSA 1978, 60-2C-2K (Cum. Supp. 1999)

Section 3. Pursuant to NMSA 1978, § 60-2C-8.1 (E 2) & (G) Cum.

Supp. 1999), the Board of County Commissioners does hereby allow the sale but limits the use of cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels and mines fireworks within the unincorporated areas of Sandoval County to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.

Section 4. Pursuant to NMSA 1978, § 60-2-2C-8.1 F (1) (Cum. Supp. 1999), the following types of fireworks are banned from sale and use within the unincorporated areas of Sandoval County: stick-type rockets, helicopters and aerial spinners, missile-type rockets, ground audible devices, firecrackers.

Section 5. Pursuant to NMSA 1978 § 60-2C-8.1 F (2) (b) (Cum. Supp. 1999), the Board of County Commissioners gives itself the power to and does hereby ban the use of all fireworks within wildlands in its jurisdiction. (“Wildlands” means any lands covered wholly or in part by timber, brush or native grass).

Section 6. Pursuant to NMSA 1978, § 60-2C-8.1 F (2) (c) (Cum. Supp. 1999), the Board of County Commissioners gives itself the power to and does hereby ban the sale or use of display fireworks. (“Display Fireworks” means devices primarily intended for commercial displays designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks.)

Section 7. Except as permitted by this Ordinance, the use of all other fireworks of any kind or description are banned within the unincorporated areas of Sandoval County.

Section 8. EFFECTIVE DATE AND DURATION

Pursuant to NMSA 1978, § 4-37-9 C (Cum. Supp. 1999), the Board of County Commissioners hereby declares it is necessary for the public peace, health, safety and welfare that this Ordinance take effect immediately after passage. This Ordinance shall be rescinded when favorable conditions exist. Accordingly, this Ordinance shall become effective immediately on its passage, recordation and authentication, as provided by NMSA 1978, § 4-37-9 (Cum. Supp. 1999).

Section 9. ENFORCEMENT

The Sheriff's Department of Sandoval County and the Sandoval County Fire Marshal's Office, and any of their agents shall have the authority to enforce this Ordinance.

Section 10. PENALTIES

Any violation of this Ordinance shall be deemed a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300) and/or up to 90 days in jail.

PROCLAIMED AND ADOPTED THIS 19TH DAY OF JUNE, 2003.

BOARD OF COMMISSIONERS OF SANDOVAL COUNTY